



October 28, 2016

**VIA ECF**

Hon. Douglas E. Arpert, U.S.M.J.  
U.S. District Court for the District of New Jersey  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street  
Trenton, New Jersey 08608

**RE: *Horizon Pharma, Inc., et al., v. Mylan Pharmaceuticals Inc., et al.,***  
**Civil Action No. 3:16-cv-04921-MLC-DEA**

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Dear Judge Arpert,

We, along with Cooley LLP, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, and Baker Botts LLP, represent the Plaintiffs in the above referenced action which is one of the "Case III" matters pending before Your Honor.<sup>1</sup> We note that Defendants filed a letter with Your Honor on October 27, 2016 regarding the initial scheduling conference. Plaintiffs would like to respond to that letter in an interest to keep this case moving forward in a coordinated and efficient manner.

There is currently an initial scheduling conference before Your Honor on November 3, 2016 at 10:00 am. We respectfully request the initial conference be adjourned to a later date and combined with conferences for the other Case III matters. Plaintiffs and Mylan have agreed that the initial conference be adjourned and consolidated with other Defendants in "Case III" to a later date. *See* Exhibit 1.

Mylan's consent to the adjournment is conditioned on the matters being reset for November 14 or 15. *See* Exhibit 1. However, there is no initial conference scheduled for any of the Case III parties on those dates. Mylan's request for an initial conference on the date of November 14 or 15 is premised on its belief that Defendants' counsel are available at that time.

The initial conference for Actavis is scheduled on November 17, for DRL on November 29, and for Lupin on December 20. Plaintiffs have reached out to Actavis and DRL regarding their scheduled initial conference and have asked whether they

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<sup>1</sup> The other Case III matters are *Horizon Pharma, Inc., et al. v. Actavis Laboratories FL, Inc., et al.*, Civil Action No. 3:16-cv-04916-MLC-DEA; *Horizon Pharma, Inc., et al. v. Dr. Reddy's Laboratories, Inc., et al.*, Civil Action No. 3:16-cv-04918-MLC-DEA; *Horizon Pharma, Inc., et al. v. Lupin Limited, et al.*, Civil Action No. 3:16-cv-04920-MLC-DEA.

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are agreeable to postponing their conference until December 20. *See* Exhibits 2 and 3. Defendants for Actavis and DRL have not responded to our request.

Plaintiffs would like to focus their efforts on the “Case I” trial scheduled for December 7. For this reason, Plaintiffs respectfully request that the initial conference for the Mylan matter be adjourned and all the initial conferences for “Case III” be adjourned and set for December 20, a time after the “Case I” trial. Plaintiffs do not believe this adjournment, which simply brings the Case III matters into alignment, will prejudice defendants nor materially delay the resolution of the Case III matters.

Plaintiffs expect to meet and confer with all Defendants in “Case III” and submit a joint discovery schedule. No significant delay or prejudice would result from this adjournment because no discovery schedule for Case III has been set.

Should Your Honor have any questions, we are available to speak at your convenience. Thank you for your continued assistance in this matter.

Respectfully submitted,

*s/John E. Flaherty*

John E. Flaherty

cc: Counsel of Record (via email)